

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: MAIL STOP: AMENDMENT, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450, ON THE DATE INDICATED BELOW.



Aracel Scallatino DATE January 4, 2006

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

in re: Patent Application Of : Group Art Unit:
Kolkin *et al.* : 1651

Serial No.: 10/713,906 :

Filed: January 14, 2003 : Examiner:

For: ADIPOSE TISSUE-DERIVED ADULT : Leon B. Lankford, Jr.
STEM CELLS FOR THE REPAIR OF :
ARTICULAR CARTILAGE FRACTURES : Attorney Docket No.:
AND USES THEREOF : 59995-5003-02

*DEE applied
only*

TERMINAL DISCLAIMER IN COMPLIANCE WITH 37 C.F.R. § 1.321(c)

In accordance with 37 C.F.R. 1.321(c), Petitioner, Artecel Sciences, Inc., represents that it is assignee of the whole and entire right, title and interest in and to the above-captioned application, which is a continuation-in-part of co-pending U.S. Application No. 10/125,106, filed April 18, 2002, which is a continuation of U.S. Application No. 09/573,989, filed May 17, 2000, now U.S. Patent No. 6,429,013 ("the grandparent patent") which claims priority to U.S. Provisional Patent Application No. 60/149,850, filed on August 19, 1999. The grandparent patent was assigned to Petitioner by an Assignment recorded in the U.S. Patent and Trademark Office on January 24, 2002, at Reel 012520, Frame 0417. In accordance with 37 C.F.R. 1.321(c), Petitioner, Artecel Sciences, Inc., represents that it is also assignee of the whole and entire right, title and interest in to U.S. Patent Application No. 10/125,106, now U.S. Patent No. 6,841,150, which is a continuation of the grandparent patent. Based on a review of evidentiary documents relating to the chain of title from the original owner to Petitioner, the undersigned hereby certifies that to the best of her knowledge and belief, both the present application and the prior patents are commonly owned by Petitioner.

Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the present application which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. § 154 to § 156 of the grandparent patent or U.S. Patent No. 6,841,150. Petitioner hereby agrees that any patent so granted on the present

application shall be enforceable only for and during such period that it, the grandparent patent and U.S. Patent No. 6,841,150 are commonly owned. This agreement runs with any patent granted on the present application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Petitioner does not disclaim any terminal part of any patent granted on the present application that would extend to the expiration date of the full statutory term defined in 35 U.S.C. § 154 to § 156 of the grandparent patent or U.S. Patent No. 6,841,150, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable or is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or is terminally disclaimed under 37 C.F.R. § 1.321, has all claims cancelled by a re-examination certificate, or is in any matter terminated prior to the expiration of its full statutory term.

The undersigned official of Petitioner is empowered to act on behalf of Petitioner.

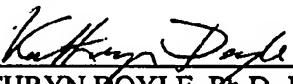
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

Kolkin et al.

January 4, 2006
(Date)

By:



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